

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1322**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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ADOPTED DECEMBER 9, 2002

**Sponsored by:**

**Senator WAYNE R. BRYANT**

**District 5 (Camden and Gloucester)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**SYNOPSIS**

Permits court, upon request of prosecutor, to examine reliability of the obligor or person posting cash bail, relationship to defendant, value and sufficiency of security offered and whether funds used to post bail or secure bond were acquired lawfully.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Judiciary Committee.



**(Sponsorship Updated As Of: 12/16/2003)**

1 AN ACT concerning bail sufficiency hearings and supplementing Title  
2 2A of the New Jersey Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. When a person charged with an offense posts cash bail or  
8 secures a bail bond, the court may, upon the request of the prosecutor,  
9 conduct an inquiry to determine the reliability of the obligor or person  
10 posting cash bail, the value and sufficiency of any security offered, the  
11 relationship of the obligor or person posting cash bail to the defendant  
12 and the defendant's interest in ensuring that the bail is not forfeited,  
13 and whether the funds used to post the cash bail or secure the bail  
14 bond were acquired as a result of criminal or unlawful conduct. The  
15 court may examine, under oath or otherwise, any person who may  
16 possess relevant information, and may inquire into any matter  
17 appropriate to its determination, including, but not limited to, the  
18 following:

19 a. The character, background and reputation of the person posting  
20 cash bail;

21 b. The relationship of the person posting cash bail or securing a  
22 bail bond to the defendant;

23 c. The source of any money posted as cash bail and whether any  
24 such money constitutes the fruits of criminal or unlawful conduct;

25 d. The character, background and reputation of any person who  
26 has indemnified or agreed to indemnify and obligor on the bond;

27 e. The character, background and reputation of any obligor, or, in  
28 the case of a surety bond, the qualifications of the surety and its  
29 executing agent;

30 f. The source of any money or property deposited by any obligor  
31 as security and whether such money or property constitutes the fruits  
32 of criminal or unlawful conduct; and

33 g. The source of any money or property delivered or agreed to be  
34 delivered by any obligor as indemnification on the bond and whether  
35 such money or property constitutes the fruits of criminal or unlawful  
36 conduct.

37 At the conclusion of the inquiry, the court shall issue an order  
38 either approving or disapproving the bail.

39  
40 2. The procedure to determine the sufficiency of bail shall be  
41 governed by rules adopted by the Supreme Court.

42  
43 3. This act shall take effect immediately.